

WAC 434-261-051 Standards for verifying ballot declaration signatures.

(1) This regulation, together with WAC 434-261-052 and 434-261-053, describes the process for verifying that a signature on the ballot declaration is the same as the signature(s) in the voter registration record.

(2) At each stage of the signature verification process, there is a presumption that the signature on the ballot declaration is the voter's signature.

(3) When reviewing ballot declaration signatures, staff assigned to verify signatures shall consider the following criteria:

(a) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;

(b) Agreement in the proportions of individual letters, characters, or symbols, height to width, and heights of the upper to lower case letters, characters, or symbols;

(c) Irregular spacing, slants, or sizes of letters, characters, or symbols that are duplicated in both signatures;

(d) Agreement of the most distinctive, unusual traits of the signatures;

(e) The ballot declaration signature is in the same format as the signature(s) in the voter registration record, such as in printed or cursive, various languages, pictorial, symbol, or another form;

(f) Agreement of individual characteristics, such as how "t's" are crossed, "i's" are dotted, or loops are made on letters, characters, or symbols;

(g) Agreement of initial strokes and connecting strokes of the signature;

(h) Agreement of similar endings, such as an abrupt end, a long tail, or loop back around;

(i) Agreement of presence or absence of pen lifts;

(j) Agreement in the way names are spelled; and

(k) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

(4) If it appears the voter has changed their name, and the information required under RCW 29A.08.440 to complete a name change is not provided or legible, the county auditor shall send the voter a change of name form or voter registration form under RCW 29A.08.440 and direct the voter to complete the form.

(5) When reviewing ballot declaration signatures that appear to contain a discrepancy, staff verifying signatures should accept signatures if the appearance of a discrepancy can reasonably be explained by the following:

(a) A shaky signature that could be health-related or the result of aging;

(b) The voter's use of a variation of the voter's full name, such as the use of initials, including or omitting a middle name, or substituting a middle name for a first name;

(c) A change in the voter's signature over time;

(d) A signature written in haste;

(e) A signature in the voter's registration record that was written with a stylus pen or other electronic signature tool, which may result in a thick or fuzzy quality;

(f) A writing surface that was hard, soft, uneven, or unstable;

(g) The voter has a limited history of fewer than three ballots returned; and

(h) Any other reasonable factor.

(6) An agent, including someone acting under a power of attorney, cannot sign a ballot declaration on behalf of their principal.

(7) If a voter signs another voter's ballot declaration, but elections personnel can identify the correct voter, verify that the provided signature matches the signature(s) in the voter registration record and verify that the voter who signed the ballot declaration has not returned another ballot, the signature and the ballot must be accepted for the voter who signed the ballot declaration. The county auditor may only count the races and measures for which the voter who signed the declaration is eligible to vote. If the voter who signed the ballot declaration has previously submitted a ballot, the county auditor shall refer the ballot(s) received after the initially received ballot to the canvassing board. If the ballot was identified by staff on or before election day, the county auditor must attempt to contact the voter to whom the ballot was issued by phone, email, text message, or, if time allows, by mail, and provide the voter a replacement ballot.

(8) All staff verifying ballot declaration signatures must receive training on these signature verification standards before verifying ballot declaration signatures. They must attend the training at least once every two years. This applies to, but is not necessarily limited to, individuals performing the initial review, secondary review, and review of signatures as part of the cure process. Members of the county canvassing board are required to receive training except as exempted by RCW 29A.04.540. The county auditor shall publish on its website the names of all canvassing board members who received training on the statewide standards for signature verification and the date(s) on which the training was completed. The website shall be updated at least 18 days before the next election with the canvassing board members' training date(s).

(9) The canvassing board may designate the county auditor or the county auditor's staff to perform the signature verification function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of their duties.

(10) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

[Statutory Authority: RCW 29A.04.611. WSR 24-12-087, § 434-261-051, filed 6/5/24, effective 7/6/24; WSR 24-07-018, § 434-261-051, filed 3/8/24, effective 5/4/24.]